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00-*P*-0169

Entered - 12/27/99 - sb  
CL99L0856 - DIANNE C. MITCHELL

CLAIM OF: LYNDALE STARGELL  
6589 River Road  
Riverdale, Georgia 30274-2507

For damages alleged to have been sustained as a  
result of a vehicular accident on May 18, 1999 at  
7 Mitchell Street, SW.

THIS ADVERSED REPORT IS  
APPROVED

BY: *Rosalind Rubens Newell*  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

*Police Safety*

*2/15/2000*

*John M. Starns*

*John M. Starns*

*John M. Starns*

*John M. Starns*

ADVERSED  
CITY COUNCIL FEB 21 2000

**CERTIFIED**  
FEB 21 2000  
*John M. Starns*  
COUNCIL PRESIDENT PROTEM

**CERTIFIED**  
FEB 21 2000  
*John M. Starns*  
MUNICIPAL CLERK



## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103

February 28, 2000

Lyndale Stargell  
6589 River Road  
Riverdale, GA 30274-2507

00-R-0169

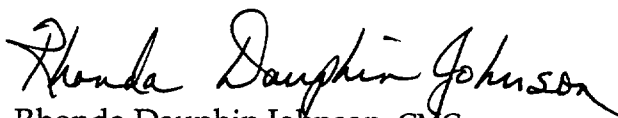
Dear Ms. Stargell:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on February 21, 2000. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Sincerely,

  
Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 99L0856

Date: February 1, 2000

Claimant /Victim LYNDALE STARGELL  
BY: (Atty) (Ins. Co.) \_\_\_\_\_  
Address: 6589 River Road, Riverdale, Georgia 30274-2507  
Subrogation: \_\_\_\_\_ Claim for Property damage \$ \$554.13 Bodily Injury \$ \_\_\_\_\_  
Date of Notice: 12/20/99 Method: Written, proper X Improper \_\_\_\_\_  
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 05/18/99 Place: 7 Mitchell Street, SW  
Department Public Works Bureau: Solid Waste Services Division \_\_\_\_\_  
Employee involved Barbara Hubbard Disciplinary Action: \_\_\_\_\_

NATURE OF CLAIM: The driver of the City vehicle backed into the claimant's parked vehicle causing damages in the above amount. However, the claim as presented does not comply with the requirements of notice as set forth in O.C.G.A. §36-33-5, the six month statute of limitations expired prior to receipt of the claim.

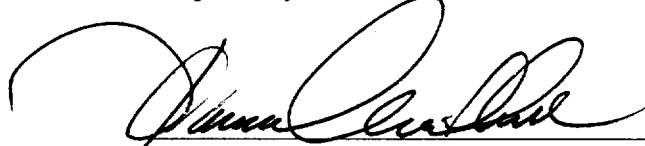
INVESTIGATION:

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral \_\_\_\_\_  
Pictures X Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report X Other \_\_\_\_\_  
Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_  
Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

BASIS OF RECOMMENDATION:

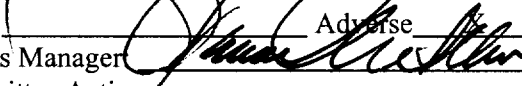
Function: Governmental X Ministerial \_\_\_\_\_  
Improper Notice \_\_\_\_\_ More than Six Months X Other \_\_\_\_\_ Damages reasonable X  
City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_  
Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_  
Claimant Negligent \_\_\_\_\_ City Negligent X Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,



INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ \_\_\_\_\_ Adverse \_\_\_\_\_ Account charged: 1A01 \_\_\_\_\_ 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_  
Claims Manager  Concur/date 02-01-00  
Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

Lyndale Stargell  
6589 River Road  
Riverdale, GA 30274-2507

Mitchell  
12/20/99  
DM

ENTERED - 12-27-99 - SB  
99L0856 - DIANNE MITCHELL

December 7, 1999

Dear Ms. Diane Mitchell:

On May 18, 1999, my vehicle was involved in an accident with an employee that works for the City of Atlanta. Her name is Barbara Hubbard. She works in the Department of Law. She explained that I needed to get three estimates and report the information to you.

I know it's been a long time and I should have reported it before now. But, sometimes we don't always use our time efficiently. Also I have to admit that after working all day, I am in school or at church (or a church function). Being a musician, my schedule can become hectic at times. But, nevertheless, please consider this as the official letter from me reporting the accident.

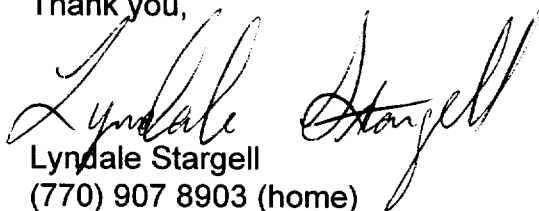
Explanation:

I was at the church Ms. Hubbard attended for a choir rehearsal. After rehearsal was over, Ms. Hubbard was leaving and accidentally backed into my truck. I drive a 1997 Ford Explorer. That's the scoop.

On that night, a representative came out and took pictures of my truck, so I assume you have some information on the accident already.

Enclosed, you will find the three estimates. I will be awaiting your reply.

Thank you,



Lyndale Stargell  
(770) 907 8903 (home)  
(781) 998-8164 (fax...not long distance)  
(404) 767-4379 (work)  
stargell@bellsouth.net

00-R -0169

RCS# 1771  
2/21/00  
2:37 PM

Atlanta City Council

Regular Session

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CONSENT AGENDA PAGES (1 - 9)

ADOPT

YEAS: 15  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 0

SEE ATTACHED LISTING OF  
ITEMS ADOPTED/ADVERSED  
ON CONSENT AGENDA

Y McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	Y Maddox	Y Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

ITEMS REMOVED FROM  
CONSENT AGENDA

00-O-0122  
00-O-0123  
00-R-0202  
00-R-0020

00-O-0212 - Councilmember  
Boazman Abstained

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**ITEMS ADOPTED ON  
CONSENT AGENDA**

1. 99-O-2072
2. 99-O-2073
3. 00-O-0127
4. 00-O-0124
5. 00-O-0126
6. 00-O-0066
7. 00-O-0125
8. 00-O-0211
9. 00-O-0212 \*
10. 00-O-0213
11. 00-O-0207
12. 00-R-0220
13. 00-R-0196
14. 00-R-0209
15. 00-R-0180
16. 00-R-0176
17. 00-R-0174
18. 00-R-0145
19. 00-R-0146
20. 00-R-0147
21. 00-R-0148
22. 00-R-0149
23. 00-R-0150
24. 00-R-0151
25. 00-R-0152
26. 00-R-0153
27. 00-R-0154
28. 00-R-0155
29. 00-R-0156
30. 00-R-0157
31. 00-R-0158
32. 00-R-0159
33. 00-R-0160

**02/21/00 Council Meeting  
ITEMS ADVERSED ON  
CONSENT AGENDA**

34. 00-R-0161
35. 00-R-0162
36. 00-R-0163
37. 00-R-0164
38. 00-R-0165
39. 00-R-0166
40. 00-R-0167
41. 00-R-0168
42. 00-R-0169
43. 00-R-0170
44. 00-R-0171
45. 00-R-0172
46. 00-R-0173
47. 00-R-0175

\* Councilmember Boazman  
abstained from voting on item 00-  
O-0212.